



January 12, 2010

HOUSE BILL No. 1078

DIGEST OF HB 1078 (Updated January 11, 2010 6:30 pm - DI 96)

Citations Affected: IC 9-21; IC 9-24.

Synopsis: Golf carts on county highways. Revises provisions governing the use of golf carts on certain county roads. Provides that an ordinance authorizing the use of golf carts on county roads must require that: (1) an individual who operates a golf cart on a county road hold a driver's license; and (2) a fine assessed for a violation of the ordinance be deposited in the general fund of the county. Specifies that the violation of an ordinance governing the use of a golf cart on a state highway in the county is considered an ordinance violation (instead of a Class C infraction).

Effective: July 1, 2010.

Dembowski, Lehman, Duncan

January 5, 2010, read first time and referred to Committee on Roads and Transportation.
January 12, 2010, reported — Do Pass.

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HB 1078—LS 6660/DI 96+



January 12, 2010

Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1078

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-1-3.3, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 292, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: Sec. 3.3. (a) A **county**, city, or ~~a~~ town
4 may adopt by ordinance traffic regulations concerning the use of golf
5 carts on a highway under the jurisdiction of the **county**, city, or ~~the~~
6 town. An ordinance adopted under this subsection may not:

7 (1) conflict with or duplicate another state law; or

8 (2) conflict with a driver's licensing requirement of another
9 provision of the Indiana Code.

10 (b) A fine assessed for a violation of a traffic ordinance adopted by
11 a **county**, city, or ~~a~~ town under this section shall be deposited into the
12 general fund of the **county**, city, or town.

13 ~~(c) A person who violates subsection (a) commits a Class C~~
14 ~~infraction.~~

15 (c) **Notwithstanding subsection (a), an ordinance adopted by a**
16 **county under the authority of this section must require that a golf**
17 **cart may not be operated on a highway with a speed limit of**

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greater than thirty-five (35) miles per hour.

SECTION 2. IC 9-21-9-0.5, AS AMENDED BY P.L.150-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 0.5. (a) This chapter does not apply to the following:

(1) An electric personal assistive mobility device.

(2) A low speed vehicle.

(3) Except as provided in subsection (b), a golf cart.

(b) An ordinance adopted in accordance with IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) may require a golf cart to display a slow moving vehicle emblem in accordance with section 3 of this chapter or a red or amber flashing lamp in accordance with section 4 of this chapter. A fine assessed for a violation of an ordinance under this section shall be deposited in the general fund of the city, **county**, or town.

SECTION 3. IC 9-24-1-7, AS AMENDED BY P.L.150-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, a farm wagon (as defined in IC 9-13-2-60(a)(2)), or an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on a public highway. However, to operate a farm wagon (as defined in IC 9-13-2-60(a)(2)) on a highway, an individual must be at least fifteen (15) years of age.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

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(A) is at least eighteen (18) years of age; and
 (B) has in the nonresident's immediate possession a valid
 chauffeur's license that was issued to the nonresident in the
 nonresident's home state or country;
 while operating a motor vehicle upon a public highway, either as
 an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and
 (B) has in the nonresident's immediate possession a valid
 license issued by the nonresident's home state for the operation
 of any motor vehicle upon a public highway when in use as a
 public passenger carrying vehicle;
 while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require
 the licensing of operators or chauffeurs and who has not been
 licensed as an operator or a chauffeur in the nonresident's home
 state or country as an operator if the nonresident is at least sixteen
 (16) years and thirty (30) days of age and less than eighteen (18)
 years of age or as a chauffeur if the nonresident is at least
 eighteen (18) years of age, for not more than sixty (60) days in
 any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor
 vehicle or the authorized driver of the vehicle.

(B) The vehicle has been registered for the current year in the
 state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate
 issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or
 driver's immediate possession a registration card evidencing
 ownership and registration in the owner's or driver's home
 state or country or is able at any required time or place to do
 the following:

(i) Prove lawful possession or the right to operate the motor
 vehicle.

(ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor
 vehicle in the state of the individual's residence and who is
 employed in Indiana, subject to the restrictions imposed by the
 state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's
 license issued by the resident's former state of residence, for a
 period of sixty (60) days after becoming a resident of Indiana.

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1 (9) An individual who is an engineer, a conductor, a brakeman, or
2 another member of the crew of a locomotive or a train that is
3 being operated upon rails, including the operation of the
4 locomotive or the train on a crossing over a street or a highway.
5 An individual described in this subdivision is not required to
6 display a license to a law enforcement officer in connection with
7 the operation of a locomotive or a train in Indiana.
8 (b) An ordinance adopted under IC 9-21-1-3((a)(14) or
9 IC 9-21-1-3.3(a) must require that an individual who operates a golf
10 cart in the city, **county**, or town hold a driver's license.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1078, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

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